

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 76/212,456

Filed: February 20, 2001

For Trademark: BAMA and Design

Published in the Official Gazette on December 16, 2003

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ATHLETICS INVESTMENT GROUP LLC, D/B/A THE  
OAKLAND ATHLETICS BASEBALL COMPANY

Opposition No. 91160945

Opposer,

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF  
ALABAMA,

Applicant.


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Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**STIPULATED MOTION TO SUSPEND ALL PROCEEDINGS**

Opposer, Athletics Investment Group LLC, d/b/a the Oakland Athletics Baseball Company, with the consent of Applicant, The Board of Trustees of The University of Alabama, hereby requests a further six (6) month suspension of all proceedings in the above-captioned opposition action. Counsel for the parties have been working to finalize a written draft settlement agreement that, once finalized, will resolve all issues in the proceeding relating to the mark at issue in the opposition. The review and finalization of the settlement terms has taken considerable time and effort as it relates to several marks applied for by Applicant that include a stylized elephant design. The parties have not reached final agreement on the issues, as the

Opposition to Serial No. 76/212,456  
Opposition No. 91160945  
Docket No. 52933-24003.34

  
**09-27-2007**

language of the agreement is still under negotiation. As a result, all issues remain subject to final resolution, and the parties cannot identify terms that have been finally resolved. The open issues include the specific guidelines, clarifications and limitations on the use of the disputed marks.

The parties' efforts to continue the discussion of the agreement were interrupted due to the unexpected illness and untimely death of Applicant's counsel's wife and his resulting extended absence from work. Since Applicant's counsel's return to work, counsel for the parties have resumed their discussions, having had extensive telephone conferences on August 16 and September 4, 2007 regarding the draft, as well as terms relating to the settlement of related oppositions between the same parties.

Counsel for the parties are currently reviewing the issues and proposed revisions resulting from the August 16 and September 4, 2007 conferences with their respective clients and have scheduled a follow-up telephone conference for October 17, 2007, at which time they expect to be able to finalize many of the open terms in the draft agreement.

The parties will work diligently on the further negotiations of any terms in the draft agreement that are not resolved on the upcoming October 17, 2007 call, and hope to have the matter concluded before the close of the requested further suspension request.

Counsel for Applicant, David Kera, has consented to this request in written communication with the undersigned by electronic mail on September 27, 2007.

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This request is being submitted as required by TBMP 509.02. A copy of this consented motion is being served on counsel.

Dated: September 27, 2007

MORRISON & FOERSTER LLP

By: 

Rosemary S. Tarlton  
Attorney for the Club

Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105  
Telephone: (415) 268-6810

## PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on September 27, 2007, I served a copy of:

### STIPULATED MOTION TO SUSPEND ALL PROCEEDINGS

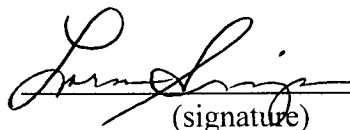
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

David J. Kera, Esq.  
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.  
1940 Duke Street  
Alexandria, VA 22314-3454

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 27th day of September, 2007.

\_\_\_\_\_  
Lorna Simpson  
(typed)

\_\_\_\_\_  
  
(signature)

Serial No 76/212,456  
Docket No. 52933-24003.34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATHLETICS INVESTMENT GROUP LLC, D/B/A  
THE OAKLAND ATHLETICS BASEBALL  
COMPANY

Opposer,

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THE BOARD OF TRUSTEES OF THE  
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Opposition No. 91160945

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Commissioner:

Express Mail Label No.: EV968742819US

Date of Deposit: September 27, 2007

I hereby certify that the attached Stipulated Motion to Suspend All Proceedings; Proof of Service by First Class Mail and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R § 1.10 on the date indicated above, and is addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Respectfully submitted,

By:

Jerome Lewis